CF-1001

3

IN THE HIGH COURT OF CHATTISGARH, BILASPUR

WRIT PETITION NO. 3934/2003

Maniram, s/o Mohitram
Mechanical Fitter, No.4 Incline,
Banki Colliery, Korba Area.
Dist : Korba. PETITIONER

Versus

South Eastern Coalfields Limited
Through its Chairman cum Managing Director
PO No 60, Seepat Road,
Bilaspur (CG) - RESPONDENT No.1

Sub Area Manager,
Banki,
Post : Banki Mogra,
Dist : Korba(CG) RESPONDENT No.2

P. R. No. 372603 Presented by Shri G. Ghosh Mukhopadhyay dated 27-11-03

Writ Petition under Article 226/227 of the Constitution of India.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(29)

आदेश पत्रक

मामला क्रमांक WP 3934/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	17-12-2003 Heard Shri P. Diwakar, counsel for the petitioner. Brief facts leading to filing of this petition are that the petitioner was appointed in Banki Colliery on 22-8-1973 and he is working as Mechanical Fitter, No.4 Incline of Banki Colliery. His date of birth is 5-2-1955 whereas the respondents have wrongly entered his date of birth as 7-1-1944 in spite of the fact that the petitioner has submitted his records in support of his date of birth in 1988. The petitioner passed his 8th standard Board Examination in the year 1968 from Sashakiya Purv Madhyamik Shala, Godhna, Dist. Janjgir Champa and in that mark-sheet issued by the District Education Officer, the date of birth of the petitioner is mentioned as 05.02.1955 which is Annex.P-1. The Head Master of the school also issued a certificate, Annex.P-2 in which the date of birth of the petitioner has been mentioned as 05.02.1955. As per the guideline/procedure laid down in instruction No. 76 regarding the determination/verification of the age of the employees, clause-b of the instruction 76 is relevant which says that the age of the existing employees can be decided on the basis of Matriculation certificate issued by the recognized University/Board or Middle Pass Certificate issued by the Board of Education or Department of Public Instruction and admit cards issued by the aforesaid Bodies should be treated as correct provided they were issued by the said Universities/Boards/Institutions prior to the date of employment. The petitioner submitted the original certificate at the	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

30

आदेश पत्रक

मामला क्रमांक ..... सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

time of appointment. The said original certificates and mark sheets have been lost. When the respondents have not corrected the date of birth of the petitioner, the petitioner obtained duplicate copies of the certificates. The petitioner was served with two copies of the service excerpts form in which the date of birth of the petitioner was recorded as 7-1-1944. The petitioner objected the said date of birth and according to the school certificates his date of birth is 5-2-1955 in spite of the petitioner's objection and making several representations to respondent No.1, but nothing has been done.

I have heard the learned counsel for the petitioner.

The learned counsel for the petitioner submits that respondents are going to retire the petitioner by 7th January 2004 and as per the provisions contained in clause (b) of the instruction No. 76 the management after being satisfied on the merits of the case will take appropriate action for correction through Determination Committee/Medical Board. Counsel further submits that as per the certificates submitted by the petitioner the date of birth of the petitioner is 5-2-1955 and it has wrongly been entered in the service record as 7-1-1944 and in spite of the representations made by the petitioner, respondents are not considering the case of the petitioner.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a detailed representation along with all his certificates raising all his

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

31

आदेश पत्रक

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

grievances to respondent No.1 by 22nd December 2003 and in turn respondent No.1 will refer the case of the petitioner to the Age Determination Committee within another period of 3 days and the Age Determination Committee will consider all the documents of the petitioner and get the petitioner examined by Medical Board and thereafter the Age Determination Committee will pass appropriate order by 3rd January 2004 in an objective manner.

With these observations, the writ petition is disposed of.

Consequently, M.(W.)P. No.3532/2003 and I.A. No. 11,455/2003 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

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